

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, December 17, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Todd B. Morgan
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Dr. Rebecca Bridgett, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve the minutes of December 10, 2013, as presented. Motion carried 5-0.

**PROCLAMATION WAS PRESENTED TO CORPORAL JANE THOMPSON
(CORRECTIONS) ON THE OCASSION OF HER RETIREMENT**

COUNTY ADMINSTRATOR

1. There will be no meetings on December 24 and 31, 2013. Draft Agenda for January 7, 2013.
2. **Department of Aging and Human Services** (*Lori Jennings-Harris, Director;*
Peggy Maio, Fiscal Supervisor)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the final Notification of Grant Award for the FY2013 Title III Federal Grants from the Maryland Department of Aging on behalf of St. Mary's County Department of Aging and Human Services to provide various programs and services to the seniors of St. Mary's County in the amount of \$286,628 and the related budget amendment to increase the grant budget and required grant match using the BOCC Emergency Appropriations. Motion carried 5-0.

3. Department of Emergency Services and Information Technology (*Bob Kelly, Director*)

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and to accept the Staffing for Adequate Fire and Emergency Response spending plan, US1479, from the Federal Emergency Management Agency on behalf of Emergency Services & Technology in the amount of \$58,520, and the related budget amendment to realign accounts in accordance with the spending plan. Motion carried 5-0.

4. Department of Public Works and Transportation (*George Erichsen, Director*)

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute four (4) option contracts for the FDR Boulevard project as prepared by the State Highway Administration and presented by staff. Motion carried 4-1. Commissioner Jarboe voted nay.

5. County Administrator (*Dr. Rebecca Bridgett*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to appoint the following persons to Boards, Committees, or Commissions with the terms to expire as indicated.

Adult Public Guardianship Review Board	Term
Richard Lord (reappointment)	12/31/16
Agriculture, Seafood and Forestry Board	
Phil Dorsey (reappointment)	12/31/16
Adam Dyson (reappointment)	12/31/16
Dr. Edward Falta	12/31/16
John Shenski	12/31/16
Melissa Thompson	12/31/16
Airport Advisory Committee	
Walter Gray	12/31/16
Commission for People with Disabilities	
Felton Rothwell	12/31/15
Commission for Women	
Mary Ludwig (partial appointment)	06/30/14
Marta Kelsey (partial appointment)	06/30/15
Stephanie Figeroux (partial appointment)	06/30/15

Commission on Aging

Linda Fry (partial appointment)	06/30/14
Diane Harding (partial appointment)	12/31/14
Juanita Nether (partial appointment)	06/30/15

Commission on the Environment

Stacy Maffei (partial appointment)	06/30/15
Gordon Smith	12/31/17

Ethics Commission

Sean Rogers (reappointment)	06/30/16
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Recreation and Parks Board

Patrick Murphy	12/31/17
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Social Services Board

Ella Somerville (reappointment)	12/31/16
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Wicomico Shores Golf Course Advisory Board

Don Nolan (reappointment)	12/31/17
Robert Richardson (reappointment)	12/31/17

Motion carried 5-0.

APPOINTMENT OF BOCC VICE CHAIR FOR 2014

Commissioner Jones moved, seconded by Commissioner Morris, to appoint Commissioner Todd B. Morgan as Vice Chair of the Board of County Commissioners for 2014. Motion carried 5-0.

DEPT. OF PUBLIC WORKS AND TRANSPORTATION: ESTABLISHMENT OF TRANSPORTATION ADVISORY COMMITTEE

Present: George Erichsen, P.E., Director, Dept. of Public Works and Transportation

The Department of Public Works and Transportation and the Department of Aging and Human Services each have an informal transportation advisory committee to discuss transportation related matters. The departments have determined that consolidation of these two committees into a formally established committee, with established bylaws and representatives chosen by the Board of County Commissioners, would be more efficient. The Dept. of Public Works and Transportation will provide administrative support to the Committee.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to adopt the proposed Resolution and approve and authorize Commissioner President Russell to sign the proposed Bylaws establishing the Transportation Advisory Committee. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON REZONING OF WALDEN SIERRA PROPERTY FROM RPD TO RMX

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

A public hearing was held on November 19, 2013, with no testimonies provided during the public hearing or during the 10-day open comment period. During the 2010 update of the Zoning Ordinance, staff inadvertently neglected to update the property occupied by Walden Sierra, Inc., from Rural Preservation District (RPD) to Residential Mixed Use (RMX) to render current uses as permitted uses.

Commissioner Morgan moved, seconded by Commissioner Jones, to amend Chapter 285 of the *Code of St. Mary's County, Maryland*, St. Mary's County Comprehensive Zoning Ordinance, by placing Lot 1, County Commissioners at St. Andrews per plat recorded at Plat Book No. 71, page 121 in the RMX *Residential Mixed Use* zoning district. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED AMENDMENTS TO CHAPTERS 264 AND 285 OF THE *CODE OF ST. MARY'S COUNTY* TO PROVIDE APPROVAL OF SUBDIVISION AROUND LAWFULLY EXISTING SINGLE FAMILY DWELLINGS

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

A public hearing was held on December 3, 2013, with testimony received from James Raley, Jr., on behalf of the St. Mary's County Farm Bureau. One additional written comment was received during the open comment period. Two concerns raised by the Farm Bureau were that the proposed amendment would create substandard lots and it would create an exception to the TDR program. The Farm Bureau supports the administrative subdivision process, but recommended that TDRs be required for each subdivision. Mr. Shire noted that no substandard lots will be created as a result of this amendment. He also stated that he does not consider this an exception to the TDR program because the TDR program was set up for new development and this amendment would be for existing dwellings.

Commissioner Jarboe indicated he agrees with the Farm Bureau's position that TDRs should be a requirement.

Commissioner Jones moved, seconded by Commissioner Morgan, to amend §30.3 and §50.0 of Chapter 264 and §52.7 of Chapter 285 of the *Code of St. Mary's County, Maryland*, to provide for approval of subdivision around lawfully existing dwellings and also to provide a definition of single family dwelling. Motion carried 4-1. Commissioner Jarboe voted nay.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED AMENDMENTS TO CHAPTERS 264 AND 285 OF THE *CODE OF ST. MARY'S COUNTY* TO EXTEND THE VALIDITY PERIOD OF LAND USE APPROVALS TO MAY 4, 2017

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

A public hearing was held December 3, 2013. No testimony was given at the hearing, but written comments received during the 10-day open comment period were in favor of the extension. In 2009, the County adopted measures to extend project approvals for two years due to the economic crisis. Builders have invested significant time, effort, and funds on projects that have not been completed; therefore, staff is recommending that site plans and subdivision approvals in effect as of January 1, 2013, not expire prior to May 4, 2017, unless required by statute, rule or regulation of the State of Maryland.

Commissioner Morgan moved, seconded by Commissioner Morris, to amend the proposed Ordinances amending §21.1.3 of Chapter 264 and Chapter 285 of the *Code of St. Mary's County Maryland*, by deleting April 1 and substituting January 1, in paragraph 3.b; to amend §21.1.3 of Chapter 264 of the *Code of St. Mary's County, Maryland*, to extend the validity of land use approvals to May 4, 2017; and to amend §21.1.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, to extend the validity of land use approvals to May 4, 2017. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

Commissioner Morris expressed concern with MetCom's handling of a 90-year old citizen's water bill. His home has been put on the 2014 tax sale list.

Commissioner Jarboe noted that he has concerns with MetCom and would like to see future legislation in favor of MetCom having an elected board to meet the needs of St. Mary's County.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Morgan moved, seconded by Commissioner Jones, to go into Executive Session: Litigation and Personnel, Article 24, Section 4-201(a)8 and 1. Motion carried 4-1. Commissioner Jarboe voted nay.

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Dr. Rebecca Bridgett, County Administrator
George Sparling, County Attorney
Elaine Kramer, CFO
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)8
Time Held: 10:25 – 10:37 am
Subject: Litigation

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Dr. Rebecca Bridgett, County Administrator
Diane Gleissner, Boards and Committees Admin.
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1
Time Held: 10:39 am – 10:51 am
Subject: Personnel (boards and committees)

MOTIONS TAKEN IN OPEN SESSION

Commissioner Morgan moved, seconded by Commissioner Jarboe, that the Board authorize a settlement of *Marcas, LLC v. Board of County Commissioners of St. Mary's County*, Civil Action No. 8:07-CV-00196 in the U.S. District Court of the District of Maryland, as follows:

- 1. \$200,000.00 in satisfaction of all tort claims against St. Mary's County in accordance with the Local Government Tort Claims Act.**
- 2. \$387,146.54 in satisfaction of all claims for the attorney's fees and expenses which St. Mary's County is obligated to pay under Federal law.**

3. The County remains responsible for compliance with the August 22, 2013 Order of the United States District Court granting injunctive relief. I further move that Commissioner President Russell be authorized to execute all documents approved by the County Attorney and necessary to complete the settlement. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve a budget amendment and authorize Commissioner President Russell to sign the budget amendment for \$387,147 to pay the settlement amount in connection with the *Marcas, LLC v Board of County Commissioners of St. Mary's County, Civil Action No. 8:08-CV-00196* in the United States District Court for Maryland. And that such budget amendment shall transfer the funds from the Commissioners' Reserve – potentially set for additional OPEB, account 001-3805-410.45-99 to the DPW&T general fund Solid Waste Division, Other Costs, Account 001-1406-432.45-98. Motion carried 5-0.

Commissioner Russell announced that applications for the St. Mary's County Economic Development Commission will reopen. The Commission is seeking members who are in public office, community leaders, higher education institution representatives, minority and labor groups and private individuals. The closing date will be open-ended until individuals are found to fill these requirements.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 1:04 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)